

# **Exhibit 4**

**April 20, 2009**

**Ronald C. Jezerc**  
**Deposition Transcript**  
**Excerpts**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

APPLETON PAPERS INC. and  
NCR CORPORATION,

Plaintiffs,

vs.

Case No. 08-CV-16-WCG

GEORGE A. WHITING PAPER COMPANY, ET AL.,

Defendants.

NCR CORPORATION,

Plaintiff,

vs.

Case No. 08-CV-0895-WCG

KIMBERLY-CLARK CORPORATION, ET AL.,

Defendants.

Deposition of RONALD C. JEZERC, VOLUME I

Monday, April 20th, 2009

9:06 a.m.

at

CopperLeaf Hotel  
300 West College Avenue  
Appleton, Wisconsin

Reported by Constance L. Bauer, RPR/RMR/CRR

1 know?

2 A I'll guess.

3 Q Well, don't guess, but do you have any reasonable  
4 basis to speculate about why this statement is in  
5 there?

6 A The gentlemen who wrote the report was an Appleton  
7 man.

8 Q Uh-huh.

9 A The monitor was probably John Stutz --

10 Q Uh-huh.

11 A -- and Mr. Stutz did not want to tell Appleton too  
12 much about how to make capsules.

13 Q Oh, I see. So Mr. Stutz was being gracious by not  
14 criticizing, is that --

15 A Right.

16 Q -- your understanding?

17 A Right.

18 Q I see.

19 A National Cash Register loved Appleton because it knew  
20 how to coat paper. It did not want Appleton to learn  
21 how to make capsules.

22 Q Oh, I see. Why was that?

23 A Because NCR had the control of it.

24 Q Okay. And they didn't want Appleton, what, to eat  
25 into their market share? I --

1 A Or people leave -- find out how to make capsules and  
2 leave Appleton and go with some other competitor.  
3 NCR had their patent, but by that time there weren't  
4 many years left on the patent.

5 Q I see.

6 A So they kept their technical information within their  
7 own company.

8 Q I see. So there wasn't a lot of sharing of  
9 information about the make-up of the emulsion between  
10 Appleton and NCR?

11 A No. We bought it. They -- we held them responsible  
12 for good capsules.

13 Q I see. Although you were apparently involved in  
14 helping them with the MIPB and finding a replacement;  
15 is that right?

16 A We were a facilitator.

17 Q Uh-huh.

18 A We coated what they produced, they made it into a  
19 trial roll that their selected printers would  
20 evaluate.

21 Q Uh-huh. Was this issue that is alluded to here about  
22 the capsule walls, do you recall that being an issue  
23 with the MIPB?

24 A Pardon?

25 Q Do you recall that, the thinner walls of the

1 Q Oh, well we definitely are lucky that you're here  
2 today to testify.

3 You had mentioned that you thought it  
4 affected your long-term memory?

5 A Something got jostled around in there. But yes, I  
6 find it difficult remembering a lot of things.  
7 Certain things, yes; others, no.

8 Q Okay. Well, thank you for explaining that. We  
9 appreciate it.

10 Yesterday you may recall that I showed you  
11 an affidavit from that 2006 insurance case. I  
12 neglected to have that entered as an exhibit today  
13 [sic] in this proceeding, so I'd like to have the  
14 court reporter do that and mark it as Exhibit --

15 MS. MOONEY: What is it? 543?

16 BY MS. MOONEY:

17 Q Okay. So the affidavit that was marked Jezerc  
18 Exhibit 4 in the 2006 matter is now Jezerc Exhibit  
19 543, Bates range APIFOX00033282 ending Bates  
20 APIFOX00033291.

21 And, Mr. Jezerc, I'd like to start today by  
22 talking about the licensees of NCR.

23 Now, was Appleton Coated Paper Company, in  
24 the time period that we were discussing yesterday,  
25 1964 to 1971, a licensee of NCR for the production of

1 carbonless copy paper?

2 A They produced it. They were one of the producers in  
3 the United States.

4 Q Did you understand at that time period that Appleton  
5 Coated Paper Company was a licensee of NCR?

6 A I do not recall that.

7 Q Okay. Do you -- do you have an understanding of what  
8 the term "licensee" means?

9 A Yes.

10 Q And what is your understanding?

11 A They -- they have licensed the rights to produce  
12 something under a patent that the other company  
13 holds, and for that they pay money or give them the  
14 right to one of their patents.

15 Q Okay. And do you understand today that Appleton  
16 Coated Paper Company was a licensee of NCR during  
17 that time period?

18 A I have no idea.

19 Q Okay. Did you ever hear the term "licensee" during  
20 that time period that you recall?

21 A Not really, no.

22 Q Okay. Did you know of any other companies who served  
23 the function of what you now understand the term  
24 "licensee" to mean with respect to the carbonless  
25 copy paper production?

1 MR. HERMES: Object as to form. Vague.

2 THE WITNESS: I just know what Appleton  
3 made and shipped for NCR.

4 BY MS. MOONEY:

5 Q And what was that?

6 A Carbonless product.

7 Q Okay. Do you know of any other company that did the  
8 same thing for NCR?

9 A Where?

10 Q Anywhere.

11 A In the United States, Mead Paper Company made  
12 carbonless.

13 Q During that time period, 1964 to 1971?

14 A I believe so.

15 Q Okay. Anyone else?

16 A Not in the United States.

17 Q Okay. How about outside the United States?

18 A I think Europe was handled by Wiggins Teape.

19 Q Okay. Any other companies that served that function?

20 A There probably was a Japanese company, but I'm -- I'm  
21 not sure.

22 Q Okay. Does the name Jujo refresh your recollection?

23 A I know the company.

24 Q Okay. And was Jujo the Japanese company that  
25 performed the production of NCR carbonless copy paper